

**In the District Court of the United States
For the District of South Carolina
CHARLESTON DIVISION**

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2008 MAY -6 P 1:30

City of Charleston,

Plaintiff,

vs.

R&J Shipping, Inc., Joseph J. Cause, Jr.,
and Alfred Robert Maffucci,

Defendants.

Civil Action No. 2:07-2864-DCN-OCK

**REPORT OF MAGISTRATE JUDGE
ON DAMAGES ONLY**

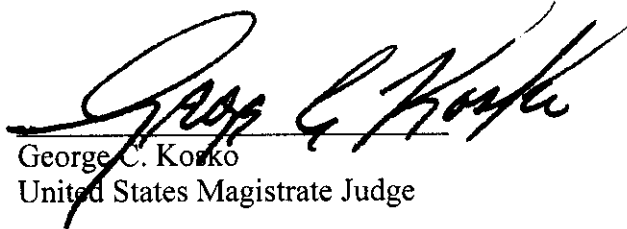
The matter is before the undersigned to make a Report and Recommendation as to damages. An Order of Default was entered on March 14, 2008, by the Honorable David C. Norton against Defendants Joseph J. Cause, Jr. and R&J Shipping, Inc. Due and proper notice of the hearing on damages was sent to all Defendants and present at the hearing was Joseph J. Cause, Jr. ("Cause"). Cause stated that he owned one hundred percent of the stock of R&J Shipping, Inc.

Plaintiff offered testimony of the damages it sustained when M/V Harvard struck Plaintiff's piling in November 2006. The fender piling protected the dock owned by Plaintiff. The General Manager of the Charleston Maritime Center, owned by Plaintiff, testified as to the cost of repair to the piling damaged by M/V Harvard. Plaintiff paid Salmons Dredging Nine Thousand One Hundred (\$9,100.00) Dollars to replace the seventy foot piling after first removing the damaged piling. Plaintiff testified that the damaged piling had been installed around 1997 and stipulated a depreciation of this piling in the amount of twenty percent.

Cause was allowed to cross examine the Plaintiff's witnesses as to damages and offer testimony as to damages only. Cause stated in his own testimony that he had orally contacted by telephone a pile driver in Massachusetts and one in South Carolina who gave him a price lower

than Nine Thousand One Hundred (\$9,100.00) Dollars. He did not, however, submit any written documentation of this offer nor did his testimony indicate that the price he obtained include the cost of removal of the damaged piling. A transcript of the hearing has been prepared and was filed on April 29, 2008.

It is recommended by the undersigned that judgment be entered against the defaulting Defendants Joseph J. Cause, Jr. and R&J Shipping, Inc. in the amount of Seven Thousand Two Hundred Eighty (\$7,280.00) Dollars for the removal and replacement of the damaged piling. It is recommended that Plaintiff recover the cost of the filing fees of Three Hundred Fifty (\$350.00) Dollars and service of process fees for a total of One Thousand One Hundred Forty Nine and 43/100 (\$1,149.43) Dollars.



George C. Koriko
United States Magistrate Judge

May 6, 2008

Charleston, South Carolina